

REMARKS

The Advisory Action of April 23, 2002, continues to object to the term accumulator in the claims. The applicant cannot agree, but proposes above to eliminate the term from the claims, whereby to remove the rejection under 35 USC 112 from the appeal now pending.

The rejection under 35 USC 102 for anticipation by the Naumann patent, because it "disclosed a fire fighting apparatus comprising a plurality of spray heads 25; a tube system 13; at least one drive gas source 15, 17; and release means 27," is traversed. The claimed invention has the "... extinguishing medium source consisting essentially of a long tube ..." as in claim 1, for example.

In the Naumann patent, "... container 13 is filled with the liquid to be dispensed, as for example by separating the gas compression tube 15 from the container 13. ..." as described at column 2, lines 37-39. The liquid is in the container, and not the long tube, as claimed.

The rejection under 35 USC 103 for obviousness from the inventor's prior '417 patent recognizes that the patent "Sundholm differs from what is being claimed in the extinguishing medium source consisting essentially of a long tube." The applicant agrees. Therefore, the issue of patentability turns on whether this difference is obvious from the patent.

Instead of addressing the issue, the Action indicates, "It would have obvious to a person having ordinary skill in the art at the time of the invention to have charged the device of Sundholm [the patent] so that water is filled to the inlet of the accumulators to minimize water use."

This is not so.

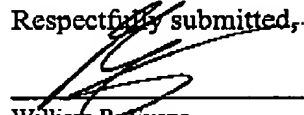
There is no teaching, disclosure or suggestion in the inventor's prior patent publication of eliminating the cylinder water supplies 2, 10, 26, 27, 41 and 60 of every embodiment disclosed. A reference cannot make obvious what it does not teach, disclose or suggest.

It is often desirable to minimize water use as stated in the Action. However, the gist of the present invention is not to minimize water use or influence the amount of water to be used, but the gist is to provide for a simple fire fighting apparatus where conventional cylinder water supplies (2, 10, 26, 27, 41 and 60 in Sundholm) have been eliminated. In this connection it can, however, be mentioned that preferably water use is minimized by using spray heads producing a mist-like spray (c. f. pending claim 11). At the World Trade Center, for example, so much water was used, it flooded the train tunnels underneath almost all the way to New Jersey. Therefore, minimizing water use, if applied to the claimed invention, c. f. claim 11 defining spray heads producing a mist-like spray, is rather to be considered, patentably unobvious than obvious.

Thus, it is the recognition of the claimed invention alone that, with a long tube as claimed, enough water, whether minimized or not, can be in the long tube alone to permit the elimination of the formerly essential water supplies 2, 10, 26, 27, 41 and 60 his own prior work.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,


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1. (~~thrice~~ four times amended) A fire fighting apparatus comprising a plurality of spray heads (5a to 5e, 6a to 6e; 5a', 5b' to 5e'), a tube system (2, 3a to 3e, 4a to 4e; 2', 3a', 3e') for leading extinguishing medium to the spray heads, at least one drive gas source (9 to 12; 9' to 12') for driving the extinguishing medium at a high pressure via the tube system to the spray heads and release means (8a, 8b) for activating at least one of the spray heads, wherein:

the at least one drive gas source (9 to 12; 9' to 12') is coupled to an extinguishing medium source consisting essentially of a long tube (2; 2') constituting part of the tube system, whereby the long tube together with the at least one drive gas source constitutes a hydraulic accumulator.

13. (twice amended) A fire fighting apparatus comprising a plurality of spray heads (5a to 5e, 6a to 6e; 5a', 5b' to 5e'), a tube system (2, 3a to 3e, 4a to 4e; 2', 3a', 3e') for leading extinguishing medium to the spray heads, at least one drive gas source (9 to 12; 9' to 12') for driving the extinguishing medium at a high pressure via the tube system to the spray heads and release means (8a, 8b) for activating at least one of the spray heads, wherein the at least one drive gas source (9 to 12; 9' to 12') is coupled to an extinguishing medium source which consists essentially of a long tube (2; 2') which has a length of at least two hundred meters and constitutes part of the tube system whereby the long tube together with the at least one drive gas source constitutes a hydraulic accumulator.

14. (twice amended) A fire fighting apparatus comprising a plurality of spray heads (5a to 5e, 6a to 6e; 5a', 5b' to 5e'), a tube system (2, 3a to 3e, 4a to 4e; 2', 3a', 3e') for leading extinguishing medium to the spray heads, at least one drive gas source (9 to 12; 9' to 12') for driving the extinguishing medium at a high pressure via the tube system to the spray heads and release means (8a, 8b) for activating at least one of the spray heads, wherein the at least

one drive gas source (9 to 12; 9' to 12") is coupled to an extinguishing medium source which consists essentially of a long tube (2; 2') which has a length of at least about 1 km and constitutes part of the tube system in such a way that the long tube together with the at least one drive gas source constitutes a hydraulic accumulator.